

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RAMIRO HERNANDEZ-RUBACALBA, a/k/a Ramiro Hernandez-Ruvacalba, Defendant.	4:16-CR-40057-LLP REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Thursday, July 28, 2016. The Defendant, Ramiro Hernandez-Rubacalba a/k/a Ramiro Hernandez-Ruvacalba, appeared in person and by his counsel, Henry Evans, while the United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. Further, the parties waived their right to object to the report and recommendation.

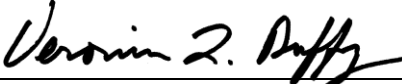
Defendant has reached a plea agreement wherein he intends to plead guilty to the Indictment which charges him with Illegal Reentry After Deportation in violation of 8 U.S.C. § 1326(a). At the hearing, the defendant was advised of the nature of the charge to which the defendant would plead

guilty and the maximum penalties applicable, specifically: 2 years' imprisonment; a \$250,000 fine; or both; 1 year supervised release; 1 additional year imprisonment if supervised release is revoked; a \$100 special assessment; and restitution. After being so advised, the defendant entered a plea of guilty to the sole count in the indictment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Therefore, it is this magistrate judge's recommendation that the defendant's guilty plea to the Indictment be accepted and that the defendant be adjudged guilty of that offense.

DATED this 28th day of July, 2016.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge